

DRAFT AMENDMENT (Version 1)

WAC 390-16-125 Mini campaign reporting -- Exceeding limitations. (1) A candidate or political committee shall apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A complete application shall include all of the following documents:

(a) An amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) selecting the full reporting option as provided in RCW 42.17.065 through 42.17.090;

(b) PDC forms C-3 and C-4 with relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW 42.17.090 for the election campaign, or in the case of continuing political committees, for the calendar year; and

(c) (i) If the applicant is a candidate, a statement affirming that all candidates registered with the commission for the office being sought have been notified personally of the application, and the manner and date of such notification;

(ii) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, a statement affirming that all treasurers of all political committees registered with the commission as supporting or opposing the proposition have been notified personally of the application, and the manner and date of such notification; or

(iii) If the applicant is a county or legislative district party committee, a statement affirming that the treasurer of that party committee's counterpart in any other major political party has been notified personally of the application, and the manner and date of such notification.

(2) An application that is submitted without the required documents described in subsection (1) is incomplete and will not be processed or approved. If the applicant provides the missing documents, the application will be determined to be complete on the date the documents are postmarked or delivered to the commission.

(3) If a complete application is postmarked or delivered to the commission on or

before thirty business days prior to the date of the election, the application shall be approved by the executive director.

(4) If a complete application is postmarked or delivered to the commission on or after twenty nine business days prior to the election, the application shall be approved by the executive director only if one or more of the following factors are present:

(a) the commission staff did not send to the applicant's campaign in a timely and proper manner, either electronically or by other mail delivery service, a notice that the thirtieth business day deadline for unrestricted changes in reporting options is approaching. To be timely and proper, this notice must be sent at least forty business days before the election to the campaign's electronic mail address or postal service mailing address specified on the registration statement;

(b) the applicant is a candidate and, within thirty business days of the election, a write-in opponent has filed for office in accordance with chapter 29A.24 RCW;

(c) within thirty business days of the election, an independent expenditure as defined in RCW 42.17.020 is made in support of the applicant's opponent or in opposition to the applicant; or

(d) when a candidate or political committee on one side of an election campaign or proposition has been approved to change reporting options under this section, each opponent of that candidate or political committee is approved to change options as of the date that opponent postmarks or delivers a complete application to the commission.

(5) Exceeding the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section shall constitute one or more violations of chapter 42.17 RCW or chapter 390-17 WAC.

DRAFT AMENDMENT (Version 2)

WAC 390-16-125 Mini campaign reporting -- Exceeding limitations.

~~((Whenever there is reason to believe that any of the limitations specified in WAC 390-16-105 or 390-16-111 will or may be exceeded, the))~~ (1) A candidate or political committee ~~((may))~~ shall apply in writing to the commission for authorization to change reporting options before the limitations specified in WAC 390-16-105 are exceeded. A completed application shall include all of the following documents: ~~((—(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits))~~

(a) An ~~((PDC))~~ amended registration statement (Form C-1 for candidates, Form C-1pc for political committees) ~~((indicating the intention of using))~~ selecting the full reporting ~~((system))~~ option as provided ~~((by))~~ in ~~((RCW 42.17.040))~~ RCW 42.17.065 - 42.17.090;

(b) ~~((A))~~ PDC forms C-3 and ~~((form))~~ C-4 with ~~((appropriate))~~ relevant schedules and attachments disclosing all contributions and expenditures to date reportable under RCW 42.17.090 for the election campaign, or in the case of continuing political committees, for the calendar year~~((s))~~; and

(c) ~~((A))~~ (i) If the applicant is a candidate, a statement affirming that all ~~((known))~~ candidates registered with the commission for the office being sought have been notified personally of the application, ~~((stating))~~ and the manner and date of such notification~~((s))~~; ~~((In the case of a))~~;

(ii) If the applicant is the treasurer of a political committee supporting or opposing a ballot proposition, ~~((the))~~ a statement ~~((shall))~~ affirming that all ~~((committees))~~ treasurers ~~((the committee treasurer))~~ of all political committees ~~((identifiable from the records of the county elections officer or public disclosure))~~ registered with the commission ~~((to be opposing or))~~ as supporting or opposing the proposition have been notified personally of the application, ~~((stating))~~ and the manner and date of such notification~~((s))~~; or

(iii) If the applicant is a county or legislative district party committee, a statement affirming that the treasurer of that party committee's counterpart in any other major political party has been notified personally of the application, and the manner and date of such notification.

(2) An application that is submitted without the required documents described in subsection (1) is incomplete and will not be processed or approved. If the applicant provides the missing documents, the application will be determined to be complete on the date the documents are postmarked or delivered to the commission.

(3) If ~~((the))~~ a complete application is ~~((made within thirty-))~~ postmarked or delivered to the commission on or before thirty business days ~~((of))~~ prior to the date of the election, the application shall be approved ~~((only))~~ by ~~((authorization of))~~ the ~~((commission))~~ executive director.

~~(((a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.~~

~~— (b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.))~~

(4) If a complete application is postmarked or delivered to the commission on or after twenty-nine business days prior to the election, the application shall be approved by the executive director only if one or more of the following factors are present:

(a) the commission staff did not send to the applicant's campaign in a timely and proper manner, either electronically or by other mail delivery service, a notice that the thirtieth business day deadline for unrestricted changes in reporting options is approaching. To be timely and proper, this notice must be sent at least forty business

days before the election to the campaign's electronic mail address or postal service mailing address specified on the registration statement;

(b) the applicant is a candidate and, within thirty business days of the election, a write-in opponent has filed for office in accordance with chapter 29A.24 RCW;

(c) within thirty business days of the election, an independent expenditure as defined in RCW 42.17.020 is made in support of the applicant's opponent or in opposition to the applicant; or

(d) when ~~((one))~~ a candidate or political committee on ~~((either-))~~ one side of an election campaign or proposition has been approved to change reporting options under ~~((subsection(1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b) and (c)))~~ this section, each opponent of that candidate or political committee is approved to change options as of the date that opponent postmarks or delivers a complete application to the commission.

(5) ~~((Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be))~~ Exceeding ~~((shall be deemed to have violated the applicable provisions of RCW 42.17.040—42.17.090.))~~ the aggregate contributions or aggregate expenditures specified in WAC 390-16-105 without complying with the provisions of this section shall constitute one or more violations of chapter 42.17 RCW or chapter 390-17 WAC.